

ORDINANCE NO. 156-12

BY: **SCOTT M. TUMA**
(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FIRST AMENDMENT TO LICENSE AGREEMENT AND A MEMORANDUM OF AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, TO LEASE CERTAIN PREMISES LOCATED AT 3000 WEST PLEASANT VALLEY ROAD AND 6655 RIDGE ROAD IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

WHEREAS, the License Agreement was entered into on July 30, 1997, for AT&T Wireless PCS, Inc., now merged with New Cingular Wireless PCS, LLC, to lease certain premises located at 3000 West Pleasant Valley Road and 6655 Ridge Road in the City of Parma to operate and maintain communications facilities; and,

WHEREAS, it is desired to extend the term of the Agreement and to modify the license fee and obligations, clarify the scope of the permitted use of the premises, and to provide the right to enlarge the premises;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That the Mayor and the Director of Public Service are hereby authorized to enter into a First Amendment to License Agreement and a Memorandum of Agreement with New Cingular Wireless PCS, LLC, successor by merger to AT&T Wireless PCS, Inc., by and through its agent Wireless PCS, Inc., for each premises located at 3000 West Pleasant Valley Road and 6655 Ridge Road in the City of Parma, with a copy of each Agreement in substantially similar form attached as Exhibit "A", Exhibit "B", Exhibit "C" and Exhibit "D".

Section 2. That the Mayor and the Director of Public Service are hereby authorized to execute said agreements and to take such action and to execute such other documents and amendments thereto as may be necessary as are approved by the Law Director.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City of Parma, and for the further reason that this measure is necessary in order to accept the First Amendment to License Agreement and the Memorandum of Agreement in the near future, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

APPROVED: _____

FILED WITH
THE MAYOR: _____

MAYOR, CITY OF PARMA, OHIO